Application/Control Number: 10/633,440 Page 2

Art Unit: 2416

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Nichols on 7/1/2009.

Claims 16, 21 and 26 of the application has been amended as proposed in the Proposed Amendment received on 7/14/2009:

Please see the attached proposed amendment.

Allowable Subject Matter

2. According to the Appeal Brief filed on 6/12/2009, the applicant argued for claim 1 that the reference of Stanwood does not teach packet metering. Rather, Stanwood is directed exclusively to adapting uplink/downlink bandwidths to "actual bandwidth requirements of the system". The adaptation of bandwidth taught by Stanwood is an actual change in the amount of data being transmitted from or to a system. In contrast, the packet metering recited in claim 1 is simply a technique to measure and filter data traffic. Thus, a change in bandwidth as taught in Stanwood would not necessarily change the metering of packets (see page 15, lines 1-15). The argument is considered and is persuasive.

Application/Control Number: 10/633,440 Page 3

Art Unit: 2416

Further, the applicant also argued the reference of Stanwood did not disclose the feature wherein the addition of the fabric-adjusted meter modifier to the meter corresponding to the COS group results in an updated meter value. The argument is considered and is persuasive.

Claims 9, 15, 16 and 21 all have similar arguments.

Thus, claims 1, 3-6, 9, 11-16, 18, 19, 21-24 and 26 are allowed. The prior art failed to disclose the limitations of: determining a fabric-adjusted meter modifier depending on technology of a limiting uplink being used; and adding the fabric-adjusted meter modifier to a meter corresponding to the specific COS group, as recited in claims 1, 9 and 15.

The prior art also failed to disclose the features wherein the meter modifier function depends on a payload size of a packet and is used to adjust for technology of a fabric uplink in the telecommunication system, and adding the meter modifier function to a group meter implemented by a router in the telecommunication system, wherein said adding updates the group meter, as recited in claim 16.

The prior art also failed to disclose the features wherein the meter modifier functions are dependent upon a type of technology used in an uplink of the telecommunication system, and the meter modifier function to be added to meters to update the meters, as recited in claim 21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAN YUEN whose telephone number is (571)270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kan Yuen/ Examiner, Art Unit 2416

/Ricky Ngo/ Supervisory Patent Examiner, Art Unit 2416